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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,520	08/14/2006	Gerd Mossakowski	102132-24	1458
27388 7590 10/27/2009 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022				
EXAMINER				
DOAN, KIET M				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
10/27/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/522,520

**Applicant(s)**

MOSSAKOWSKI, GERD

**Examiner**

KIET DOAN

**Art Unit**

2617

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 09 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617

Continuation of 11, does NOT place the application in condition for allowance because:

Response to Arguments

- Applicant's arguments filed 10/09/2009 have been fully considered but they are not persuasive.

Independent claims 15 and 26.

In response to applicant's argument in claims 15 that the combination of prior art fails to disclose or suggest "a database for linking the two subscriber relationships and/or the IP address, as expressly called for in claim 15" and "checking authorization of the receiver for receiving the video data from the transmitter, based on the linked data".

The examiner's respectfully disagrees, claim 15 is written in a broad fashion such that allow the examiner's have an option of select and does not have to including all limitation due to "and/or" which indicate throughout the claim language and the claim does not empirically define that these concepts "must" have or included, the examiner is only bound to find teachings in the prior art which read on the "limited" limitation put forth.

Ortiz clearly teach the relationship between hand held device with venue-base data, such that at the venue (football stadium) having camera that transmitting securing/encryption transmission radio signal and when the handheld device within view of the activity at the venue, the handheld device having cartridge/module wherein contain security code, encryption/decryption codes that allow the handheld device authorized to access retrieve real time video image, (paragraphs [071], [0073]), further clarify in paragraph [0058-0059] that security unit checking or process proper security code to ensure that data transfer to and from handheld device is permitted.

In response to applicant's argument in claims 26 that the combination of prior art does not teach "linking two subscriber relationship".

The examiner respectfully disagrees, since the claim has been amended (06/02/2009) after the first office action (03/23/2009), it is clearly changing the scope of the inventive concepts. Therefore require new prior art put forth to the rejection.

Script clearly teaches "a database of the mobile communication system for linking two subscriber relationships" (Paragraphs [0106-0107] teach computer host 261 that store subscription database contain subscriber information for multiple subscribers.

Dependent claims 17 and 28

In response to applicant's argument in claim 17 that the combination of prior art does not teach "setting up a connection between transmitter and receiver by dialing the associated mobile subscriber telephone number (MSISDN)".

The examiner's respectfully disagrees, Stubbs teaches setting up virtual connections between GPRS users (mobile station) and the PLMN and in order to carried out the connection, the user initiate from the mobile station. Since the prior art does not mention "dialing the associated mobile subscriber telephone number", it would lead one skill to take account "user initiate from the mobile station" which dialing the mobile station.

In response to applicant's argument in claim 28 that the combination of prior art does not rejected claim inventive.

The examiner's respectfully disagrees, as discussed the rejection in claim 15 above, claim 28 recites such language "and/or" that allow the examiner's have an option of select and does not have to including all limitation.

Dependent claims 18 and 29

In response to applicant's argument in claim 18 that the combination of prior art does not rejected "storing routing rule for transmitting video data between the transmitter and receiver in the database".

The examiner's respectfully disagrees, Stewart clearly teach the transmitter 24 sending video to the system hub 16 wherein the hub 16 routes video stream to the clients using wireless link which read on routing transmitting video data between the transmitter and receiver in the database, claim does not empirically define who is transmitting and who is receiving, therefore the examiner is bound to find teaching the prior art which "read" on the concepts put forth.

In response to applicant's argument in claim 19 that the combination of prior art does not rejected "routing rule for transmitting video data between the transmitter and receiver is stored in the database".

The examiner's respectfully disagrees, Ortiz clearly teach the server 100 capture the video image and store within server and transferred/routing video data to hand held device. That is, the server routing/transmitting video data between the transmitter and receiver.

Dependent claim 22

In response to applicant's argument in claim 12 that the combination of prior art does not rejected "setting up a connection or transmitting data between transmitter and receiver on based on a triggering event".

The examiner's respectfully disagrees. Stewart clearly teach the method of surveillance that generating video of a surveillance location using camera and when the motion is detect, video can be generate and send to mobile wireless receivers. That is, this read on "setting up a connection or transmitting data between transmitter and receiver on based on a triggering event" (Paragraph [0006] and Fig. 1 illustrate and described)

Dependent claim 27

In response to applicant's argument in claim 27 that the combination of prior art does not rejected "wherein the triggering event is detection of movement by a motion sensor or regularly schedule time interval"

The examiner's respectfully disagrees as discussed in claim 22 Stewart teaches triggering the vent (detected motion) than transmitted the video image to the wireless receivers. Ortiz put forth the cure the limitation of audio information associated with the video data transmission to wireless device.

2. The examiner also reminds the applicant that the recent landmark KSR ruling puts forth that simple substitution of one known element or application for another to a piece of prior art ready for improvement is not patentable under 35 USC 103(a).

Accordingly, the claims are viewed as a combination that only unites elements with no change in respective functions of those elements and said combination yields predictable results.

Absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill the claims are also deemed unpatentable.